

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**VICTOR MANUEL PEREZ-OZUNA,**

**Defendant.**

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**8:08CR59**

**ORDER**

On April 11, 2008, the defendant filed a Motion to Suppress [20] and Motion to Produce [21]. At the time of arraignment, the defendant was granted an extension of time to file pretrial motions, and the deadline for filing substantive pretrial motions expired on April 3, 2008. The defendant did not timely request an extension of the deadline, no motions were timely filed, and the case is set for trial on May 5, 2008. The defendant has not filed any waiver of speedy trial, see NECrimR 12.1(a) & 12.3(a), or complied with paragraph 9 of the case progression order [17].

For these reasons,

**IT IS ORDERED** that defendant's Motion to Suppress [20] and Motion to Produce [21] are hereby stricken from the record as untimely filed.

Pursuant to NECrimR 57.2, a party may appeal this order by filing an "Appeal of Magistrate Judge Order" within ten (10) business days after being served with the order. The party shall specifically state the order or portion thereof appealed from and the basis of the appeal. The appealing party shall file contemporaneously with the statement of appeal a brief setting forth the party's arguments that the magistrate judge's order is clearly erroneous or contrary to law. The filing of a statement of appeal does not automatically stay the magistrate judge's order pending appeal. See NECrimR 57.2(d).

**DATED April 14, 2008.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**